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LETTER DATED 1 JULY 1998 FROM THE REPRESENTATIVES OF CAMEROON, GHANA, TUNISIA, UGANDA AND ZIMBABWE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Reference is made to the nineteenth review by the Security Council of the sanctions imposed on the Libyan Arab Jamahiriya at the beginning of July, in accordance with Security Council resolutions 748 (1992) of 31 March 1992 and 883 (1993) of 11 November 1993 as a result of the dispute between the Libyan Arab Jamahiriya on the one hand and the United States of America and the United Kingdom of Great Britain and Northern Ireland on the other regarding the legal jurisdiction in trying the two suspects in the Pan Am Flight 103 incident over Lockerbie, United Kingdom.

The imposition of sanctions by the Security Council on one of the parties to the dispute was met with objections from the international community and raised doubts about the legality of imposing such sanctions. It has become certain, after the decisions of the International Court of Justice of 27 February 1998, that there were no legal bases for the imposition of these sanctions, for the two decisions confirmed the jurisdiction of the International Court of Justice to deal with the dispute, and that the Court should be allowed to pronounce itself on the issue. The two decisions confirmed that sanctions should not have been imposed in the first place, for they were imposed to circumvent the decisions of the Court, and that their continuation has no jurisdiction.

The majority of the membership of the United Nations emphasized during the Security Council's public debate on 20 March 1998 the following:

1. The imposition of sanctions against one party to the dispute to satisfy the demands of the other parties was not justified, and thus the majority demanded that the sanctions should be suspended until the International Court of Justice decides on the substantive issues of the dispute;

2. Criticism of the way in which the Security Council renews the sanctions imposed on the Libyan Arab Jamahiriya every 120 days in complete disregard of all the developments in the dispute since they were impored the first time;

3. The lifting of the sanctions, therefore, is logical, justified and a matter for urgent consideration;

4. The continuation of the sanctions and the disregard of the decisions of the International Court of Justice and the will of the majority of the Member States threatens the prestige of this Organization and the credibility of its principal organs.

The summit of the Organization of African Unity held in Harare (2-4 June 1997) adopted a declaration that contained three options for solving the dispute, called upon the Security Council to lift the sanctions imposed on the Libyan Arab Jamahiriya and cautioned that the continuation of the sanctions would compel the African States to devise other measures of sparing the Libyan people further suffering.

The Ouagadougou summit (8-10 June 1998) reinforced the 1997 Harare position, expressed its concern over lack of action by the Security Council to lift the sanctions imposed on the Libyan Arab Jamahiriya and indicated that it might be compelled to take appropriate measures to end the suffering of the Libyan people.

African leaders are concerned about the continuing disregard of their demand to the Security Council, while demands emanating from other regions are acted upon without much debate.

The decision of the African summit is, in fact, in defence of the Charter of the United Nations and thus its decision cannot in any way be considered as being against the Security Council or the Organization.

The African continent has given the Security Council ample time to act on behalf of the majority of the Member States. It has previously called upon the Security Council, time and again, to lift the sanctions imposed on the Libyan Arab Jamahiriya.

We, as members of the Committee of Five and in the name of all the African States, call upon the Security Council to lift the sanctions immediately and to await the substantive decision by the International Court of Justice regarding the dispute. We call upon the States permanent members of the Security Council that are party to the dispute to strike an equilibrium between considerations of national interest and their international responsibility. We call upon them not to impede the Security Council in taking the right decision, which represents the will and the interests of the international community as a whole.

The African States hold the view that disregarding the decision of the International Court of Justice and ignoring the will of the international community will lead to a constitutional crisis which would involve the principal organs of the United Nations - the General Assembly, the International Court of Justice and the Security Council - and would damage the credibility, as well as the image, of the United Nations.

Pursuant to the decisions of the African summits, the two decisions of the International Court of Justice and the will of the international community,

which was clearly expressed at the open session of the Security Council on 20 March 1998, we call upon the Security Council to take a decision to:

1. Immediately lift the sanctions imposed on the Libyan Arab Jamahiriya and accept one of the options submitted by the Organization of African Unity, the Arab League, the Non-Aligned Movement and the Organization of the Islamic Conference; or

2. Suspend the sanctions imposed on the Libyan Arab Jamahiriya pending the decision of the International Court of Justice on the question.

We would be very grateful if you would have the present letter distributed as a document of the Security Council.

(Signed) Jean-Marc MPAY
Chargé d'affaires a.i.
Permanent Mission of Cameroon
to the United Nations

(Signed) Ali HACHANI
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(Signed) Jacob Botwe WILMOT
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(Signed) Machivenyika MAPURANGA
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